

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul Strande Examiner: Nini F. LeGessee
Serial No.: 09/676,323 Group Art Unit: 3711
Filed: September 29, 2000 Docket: S122.101.101
Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

RECEIVED

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 20 2004

OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)

Dear Sir/Madam:

Applicant petitions for revival of the above-identified application that became abandoned on August 16, 2002.

1. STATEMENT

This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this Petition was unintentional.

2. RESPONSE OR ACTION REQUIRED

- ☐ has been filed.
- ☒ is attached, including a Request for Continued Examination and Amendment and Response.

3. FEE(S)

Application status is:

- ☒ Small Business Entity – (\$650.00)
- ☐ a statement is attached
- ☒ a statement was filed on September 29, 2000.
- ☐ Other than small entity – (\$1,300.00)

Petition for Revival of an Application

Applicant: Paul Strande

Serial No.: 09/676,323

Filed: September 29, 2000

Docket No.: S122.101.101

Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

4. PAYMENT OF FEE(S)

☒ Authorization is hereby made to charge the amount of:

☒ \$650.00

☐ \$1,300.00

☒ to Deposit Account No. 50-0471.

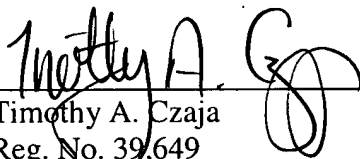
☒ Because this Petition is more than one-year after the date of abandonment of the application, Applicant additionally submits further information as to when Applicant (or Applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the Applicant (or Applicant's representative).

Respectfully submitted,

Paul Strande,

By his attorneys,

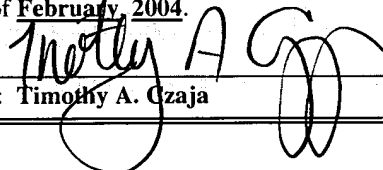
Date: FEBRUARY 13, 2004
TAC:jmc



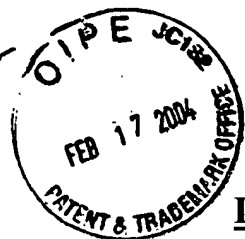
Timothy A. Czaja
Reg. No. 39,649
DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2004
Facsimile: (612) 573-2005

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of February, 2004.

By 

Name: Timothy A. Czaja



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul Strande	Examiner:	Nini F. LeGessee
Serial No.:	09/676,323	Group Art Unit:	3711
Filed:	September 29, 2000	Docket:	S122.101.101
Title:	GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE		

STATEMENT IN SUPPORT OF PETITION TO REVIVE UNDER 37 CFR §1.137(b)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

FEB 20 2004

OFFICE OF PETITIONS

The undersigned is Applicant's representative in the above-identified matter, and provides the statements and information in support of Applicant's concurrently filed Petition to Revive under 37 C.F.R. § 1.137(b), where said Petition is filed more than one year after the date of abandonment.

A Final Office Action in the above action was mailed on May 15, 2002. The undersigned and the applicant met in person in June 2002 to discuss the merits of the Final Office Action and the best course of response. It was agreed that the undersigned would arrange for a telephone interview with the Examiner, the undersigned, and the Applicant. An attempt was made to arrange for this telephone interview, but one was never held. The undersigned's law firm docketing system reflects reminder entries for responding to the Final Office Action, but no such Response was filed.

Applicant contacted the undersigned to ascertain the status of the application on several occasions, including on February 13, 2004. In response to the February 13, 2004 inquiry, the undersigned reviewed the matter and recognized that the Final Office Action had not been responded to. On that same day (February 13, 2004), the undersigned telephoned the Application Status Division of the USPTO, as well as the Group Art Unit assigned to the application. It was conveyed to the undersigned that the application became abandoned on August 16, 2002, and that the Notice of Abandonment was mailed on February 4, 2003. The undersigned then immediately reviewed the physical file folder assigned to the Applicant for this

Statement in Support of Petition To Revive Under 37. C.F.R. § 1.137(b)

Applicant: Paul Strande

Serial No.: 09/676,323

Filed: September 29, 2000

Docket No.: S122.101.101

Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

matter, as well as all other physical file folders maintained by the undersigned's law firm for the Applicant. The original Notice of Abandonment was not in the physical folder, nor was a copy of the Notice of Abandonment. Further, there were no copies of a letter reporting out the Notice of Abandonment to the Applicant in the physical file folders; a review of the undersigned's law firm computer system files similarly did not find any electronic copies of a communication to the Applicant relating to the Notice of Abandonment. A review of the undersigned's law firm docketing system on February 13, 2004 showed no entry for the Notice of Abandonment. The undersigned personally searched the law firm's mailroom and file room on February 13, 2004, and did not find the Notice of Abandonment.

In light of the above, the undersigned concluded that the undersigned did not provide a copy of the Notice of Abandonment to the Applicant and could not locate the Notice of Abandonment. The undersigned immediately called the Applicant on February 13, 2004 and apprised the Applicant of the abandoned status. The Applicant stated to the undersigned that he was not aware of the application being abandoned, the he (the Applicant) had never received a Notice of Abandonment, and at no point in time did he (the Applicant) intend to allow the application to go abandoned. The Applicant confirmed that this was the first time he (the Applicant) was aware that the application was abandoned. It was agreed that the undersigned would immediately file the present Petition to Revive.

Statement in Support of Petition To Revive Under 37. C.F.R. § 1.137(b)

Applicant: Paul Strande

Serial No.: 09/676,323

Filed: September 29, 2000

Docket No.: S122.101.101

Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

The entire delay in filing the required reply, from the due date for reply until the filing of a grantable 37 C.F.R. § 1.137(b) petition, was unintentional.

Respectfully submitted,

Paul J. Strande,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC

100 South Fifth Street


Suite 2250

Minneapolis, MN 55402

Telephone: (612) 573-2004

Facsimile: (612) 573-2005

Date: FEBRUARY 15, 2004
TAC:jmc



Timothy A. Czaja
Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450 on this 13th day of February, 2004.

By


Name: Timothy A. Czaja